

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24040 of 2004

Between:

Gundlapalli Venkateshwarlu, s/o Kotaiah,
Adavirajupalem Gram Panchayat, Gudlur Mandal, Prakasam District.

..... PETITIONER

AND

- 1 The District Panchayat Officer, Ongole.
- 2 The Extension Officer (PR & RD), Gudlur Mandal, Prakasam District.

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the notice of the 1st Respondent in ROCNo. 1267/2004 (Pts) A.1 dated 7-8-2004 as illegal, arbitrary and unjust and without proper enquiry pass necessary order or orders

Counsel for the Petitioner:MR.M.S.N.PRASAD

Counsel for Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be Sarpanch of Adavirajupalem Gram Panchayat and a show cause notice under Rule 42 of the Rules issued under G.O.Ms.No.30 PR dated 20-1-1995 was issued to the petitioner withdrawing the financial power alleging misappropriation of funds of the Gram Panchayat. The said notice was issued on the complaint stated to have been given by the 7th ward member alleging that 54 tap connections were irregularly given and the petitioner has misappropriated an amount of Rs.43,200/-. Thereafter the Extension Officer (PR & RT), Gudur submitted a report to the effect that tap connections were given without approval and the petitioner has misappropriated an amount of Rs.8500/- received from the bidder for auction of the cattle pond. The petitioner stated to have submitted his explanation on 9-8-2004 itself denying the allegations leveled against him. The grievance of the petitioner is that the first respondent is neither considering his explanation, nor passing any orders and he is being deprived of performing his functions as a Sarpanch. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj. Both counsel agreed for disposal of the writ petition at the admission stage.

Admittedly, the first respondent has issued notice dated 7-8-2004 to the petitioner to show cause as to why disciplinary action cannot be taken against him for the alleged irregularities committed by him in discharge of his duties as Sarpanch and the petitioner has submitted his explanation on 9-8-2004. Since, the petitioner has already submitted his explanation, pursuant to the show cause notice, on 9-8-2004 itself, the first respondent is expected to consider such explanation submitted by petitioner and pass appropriate orders within a reasonable time and cannot keep the matter pending without passing final order.

Having regard to the above facts, the writ petition is disposed of, directing the first respondent to consider the explanation submitted by the petitioner and pass a reasoned order in accordance with law, within a period of one week from today. In case, the first respondent does not pass such orders within the period stipulated above, automatically the impugned order dated 7-8-2004 stands suspended. No costs.

N.V.RAMANA,J

23-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

NOTE: CC in 2 days

To

- 1 The District Panchayat Officer, Ongole.
 - 2 The Extension Officer (PR & RD), Gudlur Mandal, Prakasam District.
- 3.2CCs to G.P. For Panchayat Raj and Rural Development, High Court of
A.P.Buildings, Hyderabad, (OUT)
- 4.2CD copies

*Form-NIC-OGS/WP{**AVLR**}*